

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM ANGELO LATTEN, JR.,

Plaintiff,

v.

J. BENAVIDEZ, et al.,

Defendants.

Case No. 2:23-cv-1879 DAD SCR

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action under 42 U.S.C. §1983. Plaintiff alleges defendants used excessive force on January 20, 2023 in violation of plaintiff's Eighth Amendment rights. On September 9, 2024, this court referred this case to the court's early Alternative Dispute Resolution ("ADR") program and stayed these proceedings for 120 days. (ECF No. 25.) Defendants move to opt out of the ADR program and to extend the stay of these proceedings. (ECF No. 26.) Defendants state that plaintiff faces criminal charges in state court for battery on defendant Salinas-Gonzalez. Those charges are based on the January 20, 2023 incident that is the subject of plaintiff's claims. Because the resolution of those charges could affect defendants' defenses to plaintiff's claims, defendants argue, defendants seek both to opt out of the ADR program and to stay these proceedings pending resolution of the criminal charges. Defendants state that plaintiff agreed to defer a settlement conference. However,

1 defendants do not explain whether plaintiff agrees to a stay of all proceedings pending the
2 resolution of the criminal charges. This court will give plaintiff an opportunity to respond to
3 defendants' request for a stay.

4 Accordingly, and good cause appearing, IT IS HEREBY ORDERED that within twenty-
5 one (21) days of the date of this order, plaintiff shall file a response to defendants' request for a
6 stay of these proceedings pending resolution of the charge that plaintiff committed battery on
7 defendant Salinas-Gonzalez on January 20, 2023.

8 DATED: October 31, 2024

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11 SEAN C. RIORDAN
12 UNITED STATES MAGISTRATE JUDGE
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